

**City of Lynnwood  
PLANNING COMMISSION MINUTES  
March 10, 2011 Meeting**

<b>Commissioners Present:</b>	<b>Staff Present:</b>
Richard Wright, Chair	Community Devt. Director Paul Krauss
Bob Larsen, Vice Chair	Kevin Garrett, Planning Manager
Van AuBuchon	Shay Davidson, Administrative Asst.
Chad Braithwaite	Gloria Rivera, Senior Planner
Michael Wojack, Second Vice-chair	Mary Monroe, Econ. Devt./Tourism Mgr.
<b>Commissioners Absent:</b>	<b>Other:</b>
Maria Ambalada	Councilmember Loren Simmonds

**Call to Order**

The meeting was called to order Chair Wright at 7:00 p.m.

**Approval of Minutes**

1. Meeting of December 9, 2010

*Motion made by Commissioner Braithwaite, seconded by Commissioner AuBuchon, to approve the December 9, 2010 meeting minutes as presented.  
Motion passed unanimously (6-0).*

2. Meeting of February 24, 2011

*Motion made by Commissioner Braithwaite, seconded by Commissioner AuBuchon, to approve the February 24, 2011 meeting minutes as presented.  
Motion passed unanimously (6-0).*

**Public Comments**

None.

**Public Hearings**

None.

**Work Session**

None.

**Other Business**

**1. Project Highway 99 (2009CAM0001).** Subarea Plan, Zoning Regulations and Maps and Design Guidelines, regarding redevelopment of the Highway 99 corridor, between 216<sup>th</sup> St. SW and 148<sup>th</sup> St. SW. If approved, these documents would allow and encourage development of higher density, mixed-use nodes at key intersections along the corridor. Existing land use designations and zoning at areas in between the nodes would not be changed. Recommendation to City Council required.

Planning Manager Garrett reviewed the *Responses to Comments on Final Draft Hwy 99 Documents* attached to the *Staff Report*. This is a compilation of all the issues and requests for changes that staff heard either before the public hearing, in the public comments provided at the public hearing, or during the Planning Commission's discussion following the public hearing.

*Letter from Sterling Realty Organization (SRO) re: Highway 99 Mixed Use Zone:*

Commissioner Larsen indicated he had read items 1 through 6 including the staff responses and he has found them to be in line with their discussions and conclusions. Chair Wright concurred. There was consensus to concur with staff's responses on items 1 through 6.

Item 7 – Landscaping in Parking Areas - Commissioner Braithwaite asked how the landscaping requirements differ from other parts of the City. Planning Manager Garrett explained that in parking areas they vary according to where the parking lot is located. He pointed out that the City Center has a completely separate approach from the rest of the City. Where a parking lot is located immediately adjacent to a public right-of-way/street, the landscaping requirement is the largest. Where the parking lot is predominantly between buildings or between buildings and an interior property line a second tier of requirements applies. A parking lot around back of a building has the lowest level of requirements. Commissioner Braithwaite spoke in support of staff's recommendation on this item. There was consensus from the rest of the Commission to concur with staff on this item.

Item 8 – Non-living Landscaping Material - Planning Manager Garrett explained that this was from the letter from Sterling Realty at the last meeting which related to the limit for non-living material in landscaping. Their request was to not include areas in stormwater management in that calculation and staff had no problem with that. The Planning Commission concurred with staff's recommendation on this item.

Drive-Thru's - Commissioner AuBuchon asked about the limit of no more than two drive-thru lanes. Planning Manager Garrett explained that the limit is no more than two lanes per business. Commissioner AuBuchon referred to Bank of America which has 8 lanes to keep from backing up into the street. On Fridays

and paydays those lanes can be full. He questioned the two-lane limit which he thought might cause gridlock. Planning Manager Garrett said they would have to review this on a case-by-case base for adequate stacking. He said staff would not recommend adding an additional lane due to the effect on creating a pedestrian-oriented environment. He said staff would use the requirement that access to the drive-thru shall be provided only from a project parking area. Direct access to a drive-thru from a project entry drive aisle or from a public street is not allowed. Part of the benefit of this approach is that if there is excessive backup, it would be into a parking area and not an entry or the public street itself. The impact will be localized.

Item 9 – Screening of Service Areas - Planning Commission concurred with staff's response.

Item 10 – Fencing - Planning Commission concurred with staff's response.

Item 11 – Monument Signs - Planning Commission concurred with staff's response.

*Design Guidelines:*

Items 1 through 3 - Planning Commission concurred with staff's responses.

Item 4 - Screening of Service Areas - Commissioner Wojack recommended giving the business owner a little more latitude, such as a row of junipers. Planning Manager Garrett explained that there is nothing that would inhibit using plants in addition to the structural screening. It has been staff's experience that plants by themselves are not always well-maintained. The requirement city-wide right now is for a structural screen and staff would not recommend a lesser standard in this area. Commissioner Braithwaite pointed out that the masonry walls tend to be a better noise barrier than just plants. Commissioner Wojack spoke in support of staff's recommendation. There was consensus from the rest of the Planning Commission to concur with staff's response.

Item 5 – Street Corner Treatment – Planning Commission concurred with staff's response.

Item 6 – Street Amenities - Commissioner Larsen asked for clarification about staff's position as it looked like they were not taking a position on this item. Planning Manager Garrett agreed that staff is recommending no change. They took the comment to be a question of clarification rather than a request for change. Commissioner AuBuchon thought that something like an 8-foot high block wall would give a better opportunity to secure the area as well.

Item 7 – Landscaped separation between pedestrian space and parking/service areas – Chair Wright spoke in support of staff's recommendation. Commissioner

Larsen suggested considering a 10-foot wide space or a slightly elevated separation barrier that would be four or five feet high with landscaping in it like a planter box. This would achieve the desired end. Planning Manager Garrett referred to staff's response. The actual standards provide a primary means of screening (the 10-foot wide planting). It also provides three other options; one of those is similar to what Commissioner Larsen was describing. Commissioner Larsen spoke in support of this.

*Letter from Ed Trimakas – February 25, 2011*

Delete his and adjoining properties from 204<sup>th</sup> Street node and retain CG (General Commercial) zoning. – Commissioner AuBuchon asked about a grandfather situation offered to Mr. Trimakas. Planning Manager Garrett explained options available to them. Staff has written in a provision to allow continuation of auto dealership and vehicle service companies to continue as a permitted use. This would be different than grandfathering because it would be an allowance of the continued use of the building based on a substantial investment. He explained details of a five-year clause in that provision.

Commissioner Wojack said he had sent some questions to staff earlier today on this item. He stated that a typical business cycle is 4.2 -7.4 years. He thanked staff for the explanation on this and recommended that they change the length from five years to seven years. This would support the long-term business owners. Commissioner Larsen spoke in support of extending the length of time also. He thinks the use conversion is in the public interest long-term, but he recommended doing it slowly as the market develops. He asked for staff's opinion of this. Planning Manager Garrett said staff would have no objection to increasing it to seven as recommended by Commissioner Wojack. There was consensus by the Planning Commission to recommend changing this to seven years.

Clarify "auto dealership" to include sales of new and/or used vehicles - The Planning Commission concurred with staff's response.

Allow use of dealership buildings by vehicle service companies - The Planning Commission concurred with staff's response.

Time limit on the use of a "single purpose building" - Addressed above.

*Comments in the Public Hearing:*

Require residential development in nodes - Commissioner Larsen expressed concern about meeting goals for residential development. He recommended having a trigger whereby staff would re-examine this issue to make sure they are meeting their targets. Chair Wright spoke in support of having the residential requirement at least at the nodes. Commissioner Braithwaite spoke in support of

having “residential encouraged” rather than “residential required” due to property rights issues. Due to long leases at shopping centers there will be plenty of time to re-visit the topic. Commissioner Larsen said he is fine with the “encouraged” language also. His only concern is that they stay on top of the numbers needed for density. Chair Wright did not think that the “encouraged” language would reach the same impact that Council was intending with this. He hopes that Council will take a close look at this issue.

Planning Manager Garrett discussed staff’s perspective on this and why staff is comfortable with the residential “encouraged” approach. Staff intends to monitor the situation and can report to the Planning Commission as development happens. Chair Wright suggested that they *strongly* encourage residential development in the nodes.

Mapping of 204<sup>th</sup> St Node on/near SMR property - Planning Commission was satisfied with staff’s response.

Signage allowed under new Code – Covered earlier under SRO’s Zoning Comment 11 regarding Monument Signs

Required or incentives for “affordable” housing – Chair Wright asked if there are currently any affordable housing incentives in the City Center plan. Planning Manager Garrett replied that the only one that exists is the application of the state’s tax abatement program. This is a property tax abatement which addresses multi-family housing. This lasts 8 years for market rate housing and 12 years for affordable housing. Affordable is defined as properties that are available for individuals that have incomes below 120% of the median household income. Chair Wright asked about looking at this in the nodes. Planning Manager Garrett indicated they could follow up on that.

Commissioner AuBuchon concurred with Commissioner Braithwaite in that he does not want to require this, but was in support of offering it. Planning Manager Garrett referred to Policy 1.5.2 in the Plan as recommended. This calls for applying the multi-family tax exemption program to mixed use nodes. This would not require it, but would expand the coverage from what’s now City Center to include the nodes along Highway 99. This would be adopted by separate action after the Plan is approved.

Commissioner Braithwaite asked about the financial impact to the City of making that change. Staff replied that all taxing entities would forego for that period of time their property tax revenues. The City would not receive their percentage of the property tax for that period of time. It also affects the state, school districts, and special districts.

There was consensus to stick with the current language in Policy 1.5.2 and entertain a larger discussion of incentives as a separate item after the project has gone through Council.

Designation of mobile home park in 148<sup>th</sup> St. Node – The Planning Commission concurred with staff's response.

Allow residential use along the entire corridor – Commissioner Braithwaite asked about some mechanism to include properties that are adjacent to the nodes or right near the nodes. Planning Manager Garrett referred to the Highway 99 Development Concept Map that shows Primary Mixed Use Nodes, Secondary Mixed Use Nodes and General Commercial Area in between. There is a little flexibility at the edge of these zones. He explained that rezones can be done at any time.

Pedestrian Safety – Chair Wright stated he has heard comments on this since he has started here. It would be nice to figure this issue out. Commissioner Braithwaite suggested that part of the Planning Commission's recommendation to the City Council should include a strong recommendation towards looking at pedestrian safety, particularly along those areas that got a lot of discussion. He noted that in the areas in Shoreline where there is residential development there are pedestrian overpasses. Chair Wright concurred that pedestrian safety should be part of any pedestrian corridor, particularly at those very busy intersections like 196<sup>th</sup> and 176<sup>th</sup>.

#### *Discussion Following Public Hearing*

Building height next to residential zones – Commissioner Wojack asked a hypothetical question about building heights next to both a street and residential zones. Planning Manager Garrett clarified the definition of street as being a public right of way while a road is private. He also pointed out that streets are not zoned. The transitional rules come into play where two dissimilar zoning districts abut up to each other. If there is a street in between it is not a transitional situation and the transitional rules do not come into play.

Additional comments:

Commissioner AuBuchon asked what they were going to do about utility poles. Director Krauss agreed that this is an issue that needs addressing. Commissioner AuBuchon expressed concern about the danger of cars running into these poles and the problem of having power out when trees fall on the lines.

Commissioner Braithwaite suggested adding the Cycle Barn shopping center into the mixed use zoning. Planning Manager Garrett explained that the entire area is part of a binding site plan with several different owners. He reviewed the status of the area and why they had not included it.

Commissioner Braithwaite commented that no residential would be allowed in that area unless they got approval from all of the owners. There was discussion about the possibility of this property to apply for a rezone in the future if so desired.

Commissioner Braithwaite referred to 21.62.450(c), paragraph 1(a), which is a landscaping buffer requirement for two rows of evergreen conifers where it is adjacent to a single-family neighborhood. He suggested that they add some flexibility if the homeowners in the single-family neighborhood don't want evergreen conifers. Director Krauss concurred with having flexibility. He pointed out that the standard they have establishes a minimum number of plantings, but it can be moved around. Commissioner Wojack concurred with Commissioner Braithwaite.

*Motion made by Commissioner Larsen, seconded by Commissioner AuBuchon, that the Highway 99 Corridor Sub-Area Plan, Zone Regulations, Zoning Maps and Design Guidelines be recommended for approval as amended during the discussion in tonight's meeting. Motion passed unanimously (5-0).*

Chair Wright thanked the staff, the commissioners, and the public who made comments. He noted that this would now be forwarded to Council.

### **Council Liaison Report**

Council Liaison Simmonds said he has enjoyed being a spectator at the Planning Commission meetings. He commented that the Council would be holding a public hearing and possibly taking action on Monday night regarding the Home Occupation code.

### **Director's Report**

Director Krauss reported on the following:

- He thanked the Planning Commission for their work on the Highway 99 Project.
- Every two years the Puget Sound Chapter of the American Planning Association has a law conference in Bellevue. He commented on the value of this conference and invited the Planning Commission to attend.

### **Commissioners' Comments**

Commissioner AuBuchon asked when they might get a new commissioner. Director Krauss discussed the status of potential candidates.

Commissioner Braithwaite said he has noticed a proliferation of sandwich-board retail signs. Director Krauss discussed allowed and non-allowed uses of signage.

Commissioner AuBuchon commented that he has noticed a lot of 45' truckers parking on 64<sup>th</sup> Avenue near Gold Park. He thought they were supposed to be off the road if they were over 22 feet. Director Krauss stated that there has long been an ordinance that prohibits tractor trailers on residential streets after midnight. He acknowledged that there is an ongoing issue with semi parking. He stated that he would refer this through the proper enforcement personnel. Commissioner AuBuchon said he also sees a lot of these trucks parked at various underutilized shopping centers. He suggested that some of the underused city properties might be converted to parking lots for big trucks like these.

Councilmember Simmonds commented that there is such a facility between Hoquiam and Olympia. He stated that he pursued this several years ago and was somewhat rebuffed by the fact that there was a perceived liability for the City. Also, with the economic circumstances being what they are, he has noticed many more trucks parked in people's front yards or driveways now. He also has noticed trucks parking over the weekend at the intersection mentioned by Commissioner AuBuchon. Also, on the corner of 64<sup>th</sup> and 200<sup>th</sup> there is a truck jacked up on the corner near the grocery stand which is a danger for traffic.

Commissioner Larsen commented that the Highway 99 Corridor process has been a wonderful opportunity for him and he has thoroughly enjoyed working with other commissioners, staff, and public on this. He believes this plan has struck a balance between regulation and flexibility which is so necessary to investors. He is very proud of the work they have done.

### **Adjournment**

The meeting was adjourned at 8:34 p.m.

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Richard Wright, Chair